

## Practice Note 11

# Conduct money on summoning of witnesses

### What is this document?

1. This document is a practice note issued by the Rules Committee of the Tribunal under section 33 of the State Administrative Tribunal Act 2004 (WA).
2. This document sets out how to calculate the appropriate amount of conduct money to be given to a prospective witness upon the service of a summons to the witness issued under s 66 of the State Administrative Tribunal Act 2004 (WA).
3. If you need help in understanding this document please contact the Tribunal on (08) 9219 3111 or 1300 306 017 (STD callers) or email the Tribunal at [info@sat.justice.wa.gov.au](mailto:info@sat.justice.wa.gov.au)

### What is conduct money, and when should it be given?

Conduct money is a monetary allowance designed to enable a witness to meet the reasonable expenses of complying with the obligations of a summons to the witness. It will usually include travel expenses, and sometimes accommodation, meal and incidental expenses.

Rule 26(4) of the State Administrative Tribunal Rules 2004 states that when a summons to a witness is served, a sufficient sum must be provided as conduct money. This practice note describes the means for calculating a sufficient sum for the purpose of this rule.

### How is the amount of conduct money calculated?

The amount of travel expenses payable to a witness as conduct money is calculable according to the following:

If it is reasonable for the witness to travel to and from the Tribunal by public transport – the amount payable for fares on public transport for return travel between the witness's place of employment or residence (whichever is further from the Tribunal) and the Tribunal, but in no case less than \$10.

If it is reasonable for the witness to travel to and from the Tribunal by air – the amount payable for economy class air travel to and from the Tribunal.

In any other case – the motor vehicle allowance payable under the currently applicable Public Service Award, in respect of the same journey, to a government officer who is not required to supply and maintain a motor vehicle for use when travelling on official business but who volunteers to use his or her vehicle for such a purpose. The Public Service Award is accessible online at <http://forms.wairc.wa.gov.au/awards/PUB007/p51/PUB007.pdf> (please refer to section: 41. Witness and Jury Service).

The amount of accommodation, meals and incidental expenses payable to a witness as conduct money is the allowance (by way of accommodation, meals and incidental expenses) payable under the currently applicable Public Service Award, in respect of the same destination, to a government officer travelling on official business where the officer is fully responsible for his or her own accommodation, meals and incidental expenses and where hotel or motel accommodation is utilised. The Public Service Award is accessible online at: <http://forms.wairc.wa.gov.au/awards/PUB007/p51/PUB007.pdf> (please refer to section: 41. Witness and Jury Service).